

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**United States of America *ex rel.* Jeffrey
Morgan, M.D.,**

Plaintiffs,

V.

**Baylor St. Luke's Medical Center;
Baylor College of Medicine; David A.
Ott, M.D.; Joseph Coselli, M.D.; Joseph
Lamelas, M.D.; and Surgical Associates
of Texas, P.A.,**

Defendants.

Case No. 4:19-cv-2925

Judge George C. Hanks

JOINT STIPULATION OF DISMISSAL BY UNITED STATES AND RELATOR

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States of America and Jeffrey Morgan, M.D. (the “Relator”) file this *Joint Stipulation of Dismissal*. The parties have agreed to resolve this matter pursuant to the Settlement Agreement executed on June 13, 2024 (the “Settlement Agreement”). A copy of that agreement is attached to this stipulation as **Exhibit 1**.

Terms of Dismissal: In accordance with the Settlement Agreement, the United States and the Relator jointly stipulate to the following:

- 1) The United States agrees to dismissal with prejudice of any claims asserted in this action that are (i) against Defendants Baylor St. Luke's Medical Center, Baylor College of Medicine, and Surgical Associates of Texas, P.A.; and (ii)

included within the “Covered Conduct” as defined in Paragraph G of the Settlement Agreement;

- 2) The United States’s dismissal is without prejudice as to any other claims other than the “Covered Conduct” as defined in Paragraph G of the Settlement Agreement or against any other parties who were not specifically released in the Settlement Agreement;
- 3) The Relator agrees to dismissal with prejudice as to all claims he asserted or could have asserted in this action; and
- 4) The Court retains jurisdiction for any disputes relating to the Settlement Agreement.

Unsealing of Certain Pleadings: Upon dismissal, the government requests that only the following pleadings be unsealed:

- 1) The United States’ Notice of Election to Intervene for Settlement Purposes [Dkt. 34];
- 2) The Joint Stipulation of Dismissal (including exhibits)¹; and
- 3) The Order of Dismissal entered by the Court.

The government asks that all other materials in this matter (including, but not limited to, any applications filed by the United States for an extension of time in which to intervene) remain under seal and not be made public or served on Defendants at any time. The United States makes this request because such materials discuss the content and extent of the United States’ investigation, and they are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order is attached for the Court’s convenience.

¹ In addition to the Settlement Agreement (Exhibit 1), the government is submitting a redacted version of the Second Amended Complaint as **Exhibit 2** to this Joint Stipulation. The unredacted version of the Second Amended Complaint was filed under seal on September 26, 2022. The redactions reflected in Exhibit 2 are designed to remove patient information and other non-substantive details (*i.e.*, addresses) that are not necessary for the public record.

Dated: June 21, 2024

Respectfully submitted,

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